

REMARKS

I. Summary of Amendments:

Specification:

The specification has been amended to clarify the novel aspects of processes disclosed herein for separating the initial chunks of meat along their natural planes of separation.

Claims:

In response to the Examiner's rejections, claims 1 and 7 have been amended; claims 4, 6, 10, 12 and 13 have been deleted, and new claims 14-15 have been added.

II. Arguments For Allowance of Current Claim:

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

A. The Examiner has noted that that the Applicant has argued for allowance of Claim 1 based on "forces ... exerted only on the surface of the meat .. (but) this is not recited in the rejected claim." In response to this feedback, the Applicant has further narrowed Claims 1 and 7 by claiming "shear stresses" as the specific type of forces which are acting on the surfaces of the meat which is to be separated.

The Applicant hereby notes that this method of meat separation is quite different than the typical extrusion, shredding or grinding processes than have been used in the prior art to process scallops and other seafoods – certainly this method is not disclosed in any of the cited references: Juarez (ES2019193), Yueh (US 3863017), Joaquin (US 3532512), Sugino (US 4362752) and Ikeuchi (US 4692341).

B. The Applicant notes that he has further narrowed Claims 1 and 7 by claiming "said mollusk meat having natural planes of separation."

This narrowing is meant to more clearly address a difference between the present invention and the prior art which the Examiner has heretofore been unwilling to recognize or acknowledge.

This situation appears to arise from the Examiner's erroneous interpretation of col. 2, lines 45-51 of Joaquin (US 3532512): "the meat is obtained by exerting forces to break the meat along natural break lines."

However, examination of these lines reveals them to read as follows:

"The remaining portion 12 of scallops are then treated in a manner that causes their relatively long muscle fibers to become shredded and separated from adjoining muscle fibers. This may be done in several ways, such as in a dough mixer 18 or some similar device where the scallops are tumbled and beat until their grainy structure is naturally broken apart with the long muscle fibers 20 separated but intact."

The Applicant respectfully argues that this disclosure is far from what the Examiner interprets it to be because:

This paragraph clearly says "The scallops are ... (i.e., their long muscles) shredded and separated ... in a dough mixer 18 or some similar device where the scallops are tumbled and beat until their grainy structure is naturally broken apart .. "; thus:

- The grainy structure of a scallop being broken apart (somehow) naturally is not a disclosure that a scallop has the Applicant's claimed "natural planes of separation:"

- Where does this paragraph say anything about "natural break lines (the Examiner's terminology)? Anyway, since a line and a plane are different geometry entities, a "natural break line" disclosure would not be the same as a disclosure of a "natural plane of separation (break)."

- The paragraph speaks of the process of naturally breaking down a scallop's "grainy structure" – it use the word "naturally" when referring to a process – it doesn't say that such a structure has "natural planes of separation";

- It clearly doesn't say this since anything that separates along "planes" breaks down into smaller pieces whose outer surfaces are characterized by having portions that are planar in appearance – this is clearly not the case in Joaquin where the resulting shapes are disclosed and claimed to be "long ... fiber(s)" structures.

C. The Applicant notes that new claims 14-15 have been added to claim the distinctive nature of the processes that must be used in the present invention to make the claimed “seafood product that simulates the appearance, feel and taste of a specified cooked, hand-picked crustacean meat.”

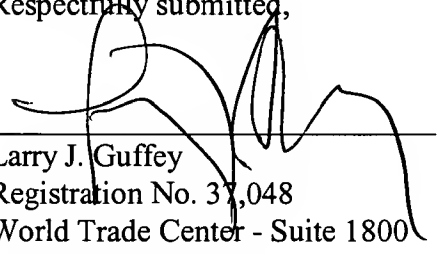
The Applicant further notes that the limitations in these claims are clearly not seen in the Examiner’s cited prior art. For example, the process steps revealed above (e.g., scallops are tumbled and beat) in the quoted col. 2, lines 45-51 of Joaquin are far from suitable for use in the present invention.

REQUEST FOR RECONSIDERATION

In view of the above, it is submitted that the applicant's amended claims are in condition for allowance. Reconsideration and allowance of claims 1-3, 5, 7-9, 11, and 13-15 are requested.

Alternatively, with few amendments, it is submitted that these claims could easily be placed in a condition for allowance. The Applicant hereby requests that the Examiner establish informal communications with the Applicant's Attorney for the purposes of determining what form such amendments might take.

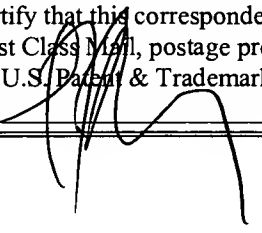
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